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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,352	10/03/2001	Robert Douglas Driesch JR.	ROC920010073US1	1536

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EXAMINER

RONES, CHARLES

ART UNIT

PAPER NUMBER

2175

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/970,352

Applicant(s)

DRIESCH ET AL.

Examiner

Charles L. Rones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Amendment

The amendment timely filed on December 1, 2003 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Carino, Jr. U.S. Patent No. 6,353,818 ("Carino').

Carino discloses:

As to claims 1, and 12,

receiving a query; See Abstract; Fig. 3; 7:63-67;

determining an execution plan for the query; See 8:44-67; 9:35-51;

determining whether query implementation information should be logged

(track/history) for the query; See Abstract; Fig. 2; 6:24-67; and

executing the query; See Fig. 3.

As to claims 2, 15, and 25,

wherein determining whether query implementation information should be logged comprises determining whether the query should be monitored; See Abstract; Fig. 2; 6:24-67.

As to claim 3,

wherein determining whether query implementation information should be logged comprises comparing an estimated runtime of the query to a user-specified threshold value; See Abstract; Fig. 2; 8:20-67.

As to claims 4 and 16,

wherein determining an execution plan comprises determining a cost for a plurality of execution plans using one or more cost factors and wherein determining whether query implementation information should be logged comprises comparing at least one of the cost factors to a user-specified threshold value; See Abstract; Fig. 2; 8:20-67.

As to claims 5, 11, and 17,

wherein determining whether the query implementation information should be logged comprises comparing a cost factor to a predefined threshold value; See Abstract; Fig. 2; 8:20-67; 9:10-16.

As to claims 6, 19, and 24,

wherein the cost factor is selected from at least one of a location of tables, a size of tables, a network node location, a system operating characteristic, a system operating statistic, an estimated runtime for the query, space usage and any combination thereof; See 6:64-67; 7:1-10; 9:5-50.

As to claims 7 and 13-14,

wherein query implementation information is monitored by a monitor process and wherein determining whether the query implementation information should be logged is performed after executing the query; See Abstract; Fig. 2; 6:24-67.

As to claim 8,

wherein determining whether the query implementation information should be logged comprises determining whether a post-runtime cost factor exceeds a predefined threshold value; See Abstract; Fig. 2; 8:20-67; 9:10-16.

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As to claims 9 and 20,

comparing a cost factor of the query to a threshold value; See Abstract; Fig. 2; 8:20-67; 9:10-16; and

if the cost factor exceeds the threshold value, then logging the query implementation information; See Abstract; Fig. 2; 8:20-67; 9:10-16.

As to claim 10, 18, 21, 23, and 27,

wherein the cost factor is an estimated runtime of the query; See Abstract; Fig. 3; 7:1-25; 8:20-67; 9:10-16.

As to claim 22,

It is a combination/subcombination of previously rejected claims and is rejected for their respective reasons as stated above.

As to claims 28 and 29,

Wherein determining whether the query implementation information should be logged is done on the basis of the execution plan; See Abstract; Fig. 2; 6:24-67; 8:20-67; 9:10-16.

Response to Arguments

Applicant's arguments filed December 1, 2004 have been fully considered but they are not persuasive.

Firstly, Applicant argues that Carino does not teach "determining whether query implementation information should be logged for the query."

In response, Examiner maintains that Carino teaches such, wherein Carino teaches using further runtime optimization deemed to be monitoring the query and Chaudhri discloses keeping the measured values of the query; See 8:43-67; 9:1-31.

Secondly, Applicant argues that Carino does not teach should be logged or monitoring.

In response, Examiner maintains that Carino teaches such, wherein Carino teaches such wherein Applicant states that determining whether query information should be logged comprises determining whether the query should be monitored which Chaudhri discloses; See previous response.

Lastly, Applicant argues that Carino does not teach user-specified value.

In response, Examiner maintains that Carino teaches such, wherein Carino teaches a user defined function deemed to provide a user-specified value.

Conclusion


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Rones whose telephone number is 703-306-3030. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.


Charles L. Rones
Primary Examiner
Art Unit 2175

February 7, 2004